

Town of Fort Myers Beach
Agenda Item Summary

Blue Sheet Number: **2011-131**

1. Requested Motion: Motion to introduce Ordinance 11-10, amendment to **Meeting Date:** 11/07/2011
Sign Ordinance and set a Public Hearing date for November 21, 2011 at 6:30 P.M.

Why the action is necessary:

State law provides that prior to adoption of an ordinance, it must be read by title at a public meeting at least once prior to the date when it is adopted.

What the action accomplishes: Introduces the ordinance by reading the title and sets a public hearing date for the ordinance.

2. Agenda:

☐ Consent
☒ Administrative
☐ Public Hearing

3. Requirement/Purpose:

☐ Resolution
☐ Ordinance
☒ Other

4. Submitter of Information:

☐ Council
☐ Town Staff
☒ Town Attorney

5. Background:

Several "glitches" were discovered after the recent major amendments to the Town sign ordinance. These amendments address those "glitches."

6. Alternative Action: Decline to introduce the ordinance.

7. Management Recommendations:

8. Recommended Approval:

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Cultural Resources Director	Town Clerk
						

9. Council Action:

☐ Approved ☐ Denied ☐ Deferred ☐ Other

Town of Fort Myers Beach
ORDINANCE NO. 11-10

AN ORDINANCE AMENDING CHAPTER 30—SIGNS IN THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE; AMENDING SECTION 30-2, DEFINITIONS; SECTION 30-4, APPLICABILITY; SECTION 30-55 PERMITS AND INSPECTIONS; SECTION 30-91, COMPUTATION OF SIGN AREA; SECTION 30-92, MEASUREMENT OF SIGN HEIGHT; SECTION 30-152, DEVELOPMENT IDENTIFICATION SIGNS; SECTION 30-153, MAXIMUM SIGN AREA; SECTION 30-154, STANDARDS FOR CERTAIN TYPES OF SIGNS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. Section 30-2 of the Town of Fort Myers Beach Land Development Code is hereby amended as follows:

Sec. 30-2. Definitions and rules of construction.

...

(b) The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

...

Monument sign. A free-standing sign with internal structural supports, ~~where the height from the ground to the highest point on the sign is less than the sign's greatest horizontal dimension~~ that is permanently affixed to the ground.

Motion picture sign. A sign capable of displaying moving pictures or images in conjunction with an outdoor advertising structure, accessory sign, or advertising statuary visible from any public street or sidewalk.

Multiple-occupancy complex. A parcel of property under one ownership or singular control, or developed as a unified or coordinated project, with a building or buildings housing more than five separate businesses.

...

Roof sign. Any sign erected upon a roof or roof-mounted equipment. Signs placed flat against the steep slope of a mansard roof will not be considered roof signs, provided that no part of such sign extends vertically above the highest point of the roof or horizontally beyond the edge of the roof or mansard.

...

Section 2. Section 30-4 of the Town of Fort Myers Beach Land Development Code is hereby amended as follows:

Sec. 30-4. Applicability of chapter.

(a) **Generally.** Except as otherwise provided in this chapter, it shall be unlawful for any person to erect, construct, enlarge, move, or convert any sign in the Town of Fort Myers Beach, or cause such work to be done, without first obtaining a sign permit for each such sign as required by this chapter.

(b) **Exceptions.**

- (1) This chapter shall not apply to any sign erected by the federal, state, county, or Town of Fort Myers Beach government or to the placement of temporary signs not exceeding eight (8) square feet in area within a right-of-way for purposes of business identification or access location, when necessitated by road construction and when authorized by the county or town.
- (2) The following activities shall not be considered the creation of a sign:
 - a. ~~Change of copy. Changing the copy on existing signs.~~
 - b. *Maintenance.* Painting, repainting, cleaning, or other normal maintenance and repair of a sign not involving change of copy, structural, or electrical changes.
 - c. ~~b.~~ *Window displays.* Changes in the content of show window displays, provided all such displays are within the building.

Section 3. Section 30-55 of the Town of Fort Myers Beach Land Development Code is hereby amended as follows:

Sec. 30-55. Permits; inspections.

(a) ***Sign permit required; modifications.***

- (1) Except as otherwise provided for in this chapter, no sign shall be located, placed, erected, constructed, altered, replaced, enlarged, moved, or converted in the Town of Fort Myers Beach, without first obtaining a sign permit.
- (2) In the event a sign is located, installed, or maintained upon real property in the Town of Fort Myers Beach without any required permits, after the expiration or lapse of a sign permit, or otherwise in violation of the requirements of this Chapter, the owner of the real property where the sign is located shall be responsible for the prompt removal of such sign and shall be responsible for and subject to all fines or penalties resulting from such violation.

- (b) **Zoning review required for any change of copy.** Any applicant who desire to change the copy of an existing sign shall make application for zoning review and pay the applicable zoning review fee.

- (c) ***Application for sign permit.*** In order to obtain a permit to erect, alter, or relocate any sign under the provisions of this chapter, an applicant therefore shall submit to the town a sign permit application, which shall include:
- (1) A completed application form that includes the following:
 - a. The name, address, and telephone number of the applicant.
 - b. The name, address, and telephone number of the person constructing the sign, as well as the name, address, and telephone number of the owner of the sign.
 - c. Information as to the type of sign to be erected, e.g., monument, projecting, or wall-sign; illuminated or non-illuminated; temporary or permanent.
 - d. The approximate value of the sign to be installed, including the installation cost, and information concerning the design of the sign and the copy that will appear on the sign.
 - (2) A *site location plan* that includes the following:
 - a. Location by street address and legal description (tract, block, and lot) of the building, structure, or lot where the sign is to be erected or installed.
 - b. A fully dimensioned plot plan, to scale, indicating the location of the sign relative to property lines, rights-of-way, streets, easements, sidewalks, and other buildings or structures on the premises, as well as the location, size, and type of any other existing signs whose construction requires a sign permit.
 - c. A sea turtle lighting plan for all lighted signs that are visible from the beach, including signs that are within buildings.
 - d. A landscape plan for sign installations that will include landscaping.
 - (3) *Application fee.* Applications for a permit to erect, construct, alter, or extend a sign or sign structure shall be accompanied by a fee in the amount established by the Town Council.
 - (4) A *drawing to scale* showing the design of the sign, including dimensions, sign size, method of attachment, and source of illumination, and showing the relationship to any building or structure to which it is or is proposed to be installed or affixed.
 - (5) Plans indicating the scope and structural detail of the work to be done, including details of all connections, supports, and footings and materials to be used.
 - (6) Where determined to be necessary, a copy of stress sheets and calculations indicating that the sign is properly designed for dead load and wind pressure in any direction.
 - (7) Where determined to be necessary, a listing of all materials to be utilized in the construction of the sign, or, in the alternative, a statement that all materials are in compliance with the Florida Building Code.
 - (8) If applicable, an application, and required information for such application, for an electric permit for all signs that include electrical components. Electrical components must be UL-approved and installed in conformance with the listing.

- (9) All signs, except exempt signs and certain temporary signs, are required to be installed or erected only by a licensed sign contractor or licensed electrical sign contractor. All persons engaged in the business of installing or maintaining signs involving, in whole or part, the erection, alteration, relocation, or maintenance of a sign or other sign work in or over or immediately adjacent to a public right-of-way or public property if used or encroached upon by the sign installer shall agree to hold harmless and indemnify the Town of Fort Myers Beach and its officers, agents, and employees from any and all claims of negligence resulting from the erection, alteration, relocation, or maintenance of a sign or other sign work.
- (10) *Expiration of sign permit.* A sign permit shall expire and become null and void six months from the date of issuance, except that it may be extended for good cause by the town manager or designee.
- (11) *Inspections.* All signs for which a permit is required by this chapter must be inspected by the Town to ensure compliance with this Chapter and all other applicable regulations. Failure to obtain a final satisfactory inspection within the permit period or any renewal shall render the permit invalid, and the applicant shall be required to reapply for a permit or remove the sign or sign or structure.
- ~~(12) *Identification number.* All signs that were issued after September 13, 1999 must have the sign permit number affixed to the upper right corner of the sign. The town will maintain digital photographs of all signs in the town in town hall.~~

Section 4. Section 30-91 of the Town of Fort Myers Beach Land Development Code is hereby amended as follows:

Sec. 30-91. Computation of sign area.

- (a) The area of a sign shall include all lettering, wording and accompanying designs and symbols together with the background, whether open or enclosed, on which they are displayed but not including any supporting framework and bracing which are incidental to the display. The sign area shall be measured from the outside edges of the sign or the sign frame, whichever is greater, excluding the area of any supporting structures that are not part of the display.
- (b) When a single sign structure is used to support two or more signs, or unconnected elements of a single sign other than individual letters or symbols, sign area shall be computed on each sign face in the same manner as the sign area of a single sign. If the faces of a multi-faced sign are separated at any point by more than eighteen (18) inches, then each sign face shall constitute a separate sign.

- (c) The area of a double-faced sign shall be computed on only one (1) side, provided, however, that where both sides are unequal in size, the area for the larger side shall be used.
- (d) Where a sign consists of individual letters or symbols attached to or painted on a surface, building, wall or window without a border, background, frame or supporting structure, the area shall consist of ~~the single smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols, including the sign background~~ the sum of the area within the perimeter of each letter or symbol in the sign.

Section 5. Section 30-92 of the Town of Fort Myers Beach Land Development Code is hereby amended as follows:

Sec. 30-92 Measurement of sign height.

The vertical height of a freestanding sign shall be the vertical distance measured from the highest adjacent natural grade for the property measured at a point three (3) feet back from the road right-of-way, or the crown of the adjacent street, whichever is higher, to the highest point of the sign face or its supporting structural elements.

Section 6. Section 30-152 of the Town of Fort Myers Beach Land Development Code is hereby amended as follows:

Sec. 30-152. Development identification signs.

Development identification signs shall be subject to the following:

...

(b) ***Schools, churches, day care centers, parks, recreational facilities, and libraries.*** A school, church, day care center, park, recreational facility, or library shall be permitted one (1) monument or wall-mounted identification sign, ~~and one (1) directory sign within the property line, with maximum sign area of twenty-four (24) square feet and a maximum height of five (5) feet,~~ and one off-site directional sign.

Section 7. Section 30-153 of the Town of fort Myers Beach Land Development Code is hereby amended as follows:

Sec. 30-153. Maximum sign area.

...

(b) ***Commercial uses in commercial zoning districts.*** All signs located in commercial zoning districts, except for those signs identified as exempt signs in §30-6 and temporary signs in §30-141, shall comply with the following sign area limitations.

(1) For a parcel of land containing one (1) or two (2) business establishments, each separate business establishment shall be allowed a maximum of thirty-two (32) square feet of sign area.

(2) For a parcel of land containing three (3) or more business establishments, each establishment shall be allowed a maximum of sixteen (16) square feet of sign area. ~~An additional thirty-two (32) square feet of sign area may be utilized to identify the commercial development.~~

(3) For multiple occupancy complexes, as defined herein, additional signage of up to thirty-two (32) square feet is permitted to identify the complex and/or its occupants.

(4) The maximum sign area provided herein may be allocated among a combination of one (1) or more monument signs, projecting signs, and/or wall signs, provided, however, that only one monument sign per street frontage is permitted.

Section 8. Section 30-154 of the Town of Fort Myers Beach Land Development Code is hereby amended as follows:

Sec. 30-154. Standards for monument signs, projecting signs, and wall signs in commercial zoning districts. Except as may be otherwise provided herein, all monument signs, projecting signs, and wall signs located in commercial zoning districts shall comply with the following regulations.

(a) Buildings that are required to meet the commercial design standards in §34-991-1010 cannot install internally lit box signs (see Figure 30-1). When internally lit signs are permitted for buildings that are not required to meet the commercial design standards, the sign face must be designed so that illumination occurs only on individual letters or symbols. An opaque background panel must be used so that the internal light only passes through the letters or symbols. This requirement also applies to all signs with changeable copy. See Figure 30-2 for an example of illuminated letters on an internally lit sign face.

(b) **Location.** Monument signs must be set back at least three (3) feet from any public right-of-way or roadway easement, provided, however, that monument signs may be located in a lawfully developed landscaped median strip that is within a public or private right-of-way or easement where the holder(s) of the right-of-way or easement have consented to the location of the monument sign in such right-of-way or easement. Monument signs located in such median strips must be set back a minimum of two (2) feet from the edge of the pavement and must not violate the visibility requirements of §34-3131. Wall signs and projecting signs may extend over public sidewalks provided they maintain a minimum clear height above sidewalks of eight (8) feet and do not extend closer than two (2) feet to an existing or planned curb.

(c) Monument signs may be elevated provided that the bottom of the sign is no more than eighteen (18) inches above the highest adjacent grade. The maximum height of a monument sign is five (5) feet. Only one monument sign per street frontage is permitted.

(d) A wall sign must not extend above the lowest edge of the building's eaves or above the highest horizontal members of the fence or wall to which it is attached.

(e) A projecting sign must not extend more than three (3) feet above the lowest edge of the building's eaves.

Section 9. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

Section 10. Effective Date. This Ordinance shall be effective immediately upon adoption.

The foregoing ordinance was enacted by the Town Council upon a motion by Council Member _____ and seconded by Council Member _____ and, upon being put to a vote, the result was as follows:

Larry Kiker, Mayor
Bob Raymond, Vice Mayor
Joe Kosinski

Alan Mandel
Jo List

DULY PASSED AND ENACTED by the Council of the Town of Fort Myers Beach, Florida, this _____ day of _____, 2011.

ATTEST:

TOWN OF FORT MYERS BEACH

BY: _____
Michelle D. Mayher, Town Clerk

BY: _____
Larry Kiker, Mayor

Approved as to legal sufficiency by:

Fowler White Boggs, Town Attorney